

REMARKS

Upon entry of the present amendment, the claims in the application are new claims 19-34.

The original claims 1, 3 and 4 (which have been cancelled by the present amendment) were rejected under 35 USC 103(a) as being unpatentable over Gelfer et al U.S. Patent 5,250,067 in view of Leupold U.S. Patent 3,923,064.

The original claims 2 and 5 (which have now been cancelled) were rejected under 35 USC 103(a) as being unpatentable over Gelfer et al in view of Leupold as applied to the now-cancelled original claim 1, and further in view of Yoneda et al Japanese Patent Document JP 407100181A.

Applicant respectfully calls the Examiner's attention to the fact that the applicant is claiming two modifications of the device for reflexotherapy.

In one of the modifications the needles may be embedded in an elastic single-layer base member being in plasticized condition, and are fixed therein during its setting, thereby resulting in the formation of an integral structure.

In the second modification the elastic base member consists of two layers, the needles are mounted each with a sharpened end thereof extending through the upper layer of the base member and protruding therefrom, while a thickened end of each needle is disposed between the layers; the two layers having been joined in plasticized condition by heating and after subsequent curing at least a portion of each needle at the thickened end thereof becomes squeezed in the integral structure. As a result, as it is described on page 2, lines 20 through 23, it has become possible to provide a rigid integral structure (one-piece structure) of the needles and the base member; to eliminate the possibility of needles penetration into the base member or protrusion therefrom or tilting about needles axes, and thereby to achieve a rigid fixation of needles in the base member and stability of needles position under any loads during the use of the applicator.

Similar technical effects and advantages have not been achieved in any of the known devices or cited art.

Gelfer et al propose a device comprising a number of designed rigid blocks 11 (Figs 1 through 4) fixed to one side of pad 10. Pad 10, as it is set forth in the specification, may be made of textile or some other heavy fabric or thin layer of non-woven plastic material. Flexibility of the base member is provided exclusively through the modular principle of joining individual rigid elements. This known device does not possess any desirable degree of elasticity combined with the strength of non-detachable fixation of needles in an integral structure, which would provide redistribution of pressure forces acting on skin areas of a human body and permit to obtain desirable results of undifferentiated impact on a large area of the surface of a zone subjected to rubbing.

Leupold teaches that the needle could be embedded in the base by its thickened end. However, a spinning member is detachably fastened in a holder. This known device is provided with a fastening plate that is inserted in a depression provided in the holder, and ensuring a rigid fixation of the spinning member. Due to the fixation of the spinning member in a rigid base member, the rubbing point of the spinning member cannot be displaced relative to the axis thereof, i.e., does not possess elasticity. This known device may be used for acting only on a single acupuncture point of skin, i.e., such device relates to acupressure devices, and can be used only by a trained practitioner. In contrast, applicant's device permits simultaneous impact on numerous acupuncture points, and massaging large skin areas without any involvement of a trained practitioner; here, needle points may be disposed relative to needle axes, and the needles themselves are reliably fastened within an integral, one-piece structure.

Yoneda et al teach a needle 12 which includes a base 15 surrounded by plinth 13. Reference to Fig. 7 and 8 shows that the crooked end 12 of such a needle (which may be considered a support)

is fixed by adhesive tape. Such fixation is unreliable, and due to the specific nature of its use, the device itself cannot possess the properties of applicant's applicator in which the proposed lags that surround the needles comprise a part of an integral, one-piece structure.

The cited art, taken singly or in combination, fails to teach or suggest the desirable results of stability of needles under the effect of any loads and undifferentiated impact on a large area of the surface of a zone subjected to rubbing by way of massage or pressure, which is possible only with the use of applicant's one-piece and reliable fixation of needles in a sufficiently elastic base member.

Applicant's new claim 19 discloses the device wherein the base member is made single-layered.

Applicant's new claim 27 describes a two-layered base member.

The process of making the device in compliance with the first embodiment thereof has been disclosed in details with reference to Fig. 6. The claimed device comprises the base member which consists of one or two layers wherein (in the modification of two layers) at least a sharpened end of each needle passes through the upper layer of the base member and protrudes therefrom, while thickened ends of needles are disposed between the layers. As a result, after these two layers have been joined by heating and subsequent curing, at least a thickened end of each needle becomes squeezed inside an integral structure. Referring to Figs 1 through 5, the joint between the layers extends substantially along the horizontal line of disposition of thickened ends (heads 3).

In view of the foregoing, applicant respectfully submits that the application is now in condition for allowance, and a notice to this effect is earnestly solicited.

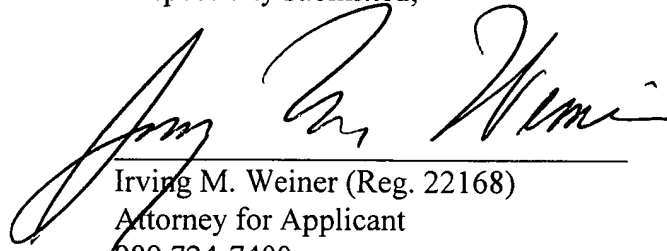
However, if the Examiner is not convinced the application is in condition for allowance, it is respectfully requested that the Examiner telephone the undersigned attorney for applicant in an effort to facilitate the prosecution, and/or to narrow the issues for appeal, if necessary.

There is submitted herewith a petition for a three-month extension, together with a form PTO-2038 to cover the fee therefor.

Favorable reconsideration is respectfully requested.

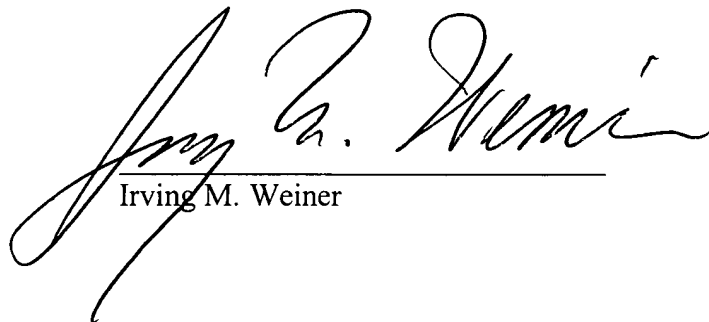
Respectfully submitted,

Date: December 29, 2003
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Certificate of Mailing

I hereby certify that the foregoing amendment, with its mentioned enclosures, was sent by first class mail to Mail Stop Non-Fee Amendment, Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 29, 2003


Irving M. Weiner